

Notice of Allowability

Application No.

10/606,469

Examiner

Thong Q. Nguyen

Applicant(s)

SADLER, PHILIP M.

Art Unit

2872

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 9/21/2006.
2. ☒ The allowed claim(s) is/are 1-2, 4-16 and 21-24 which are renumbered as claims 1-19.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

THONG NGUYEN
PRIMARY EXAMINER

DETAILED ACTION

Response to Amendment

1. The present Office action is made in response to the amendment filed on 9/21/2006. It is noted that in the amendment, applicant has amended claim 5 and canceled claim 25. The remaining claims 1-2, 4-16 and 21-24 are examined in this Office action. Note that claims 3 and 17-20 were canceled in the amendment filed on 5/5/2005 and 6/25/2003, respectively.

Drawings

2. The drawings contained six sheets of figures 1-6 were received on 6/25/2003. These drawings are approved by the examiner.

Specification

3. The objection to the specification as set forth in the previous Office action is overcome by the applicant's arguments. A review of the specification in page 18 and figure 5 has resulted that the Examiner has agreed that the features recited in claims have supported from the specification.

Claim Rejections - 35 USC § 112

4. The rejection of claims 1-2, 4-16 and 24-25 under 35 U.S.C. 112, second paragraph, are now overcome by the amendments to the claim and by the applicant's arguments.

Allowable Subject Matter

5. Claims 1-2, 4-16 and 21-24 are allowed.

6. The following is an examiner's statement of reasons for allowance:

a) The telescope as claimed in each of independent claims 1 and 21 is patentable with respect to the prior art, in particular, the U.S. Patent Nos. 3,603,664; 3,791,713; and 2,753,760 by the limitations related to the structure of the telescope. It is noted that while a telescope having a curved support device for supporting a telescope frame having a circular-shaped exterior cross-section which telescope comprises objective lens, mirrors for bending light and ocular lens is disclosed in the teachings provided by the mentioned references; however, the references in combination do not disclose a telescope having the mentioned features and a translucent screen arranged in the telescope so that an image of the sun projected onto the screen is visible from a face opposite of the screen from the objective lens, the at least two folding devices and the second lens and the image is observable from the exterior of the telescope frame as claimed.

b) The device as claimed in independent claim 24 is patentable with respect to the prior art, in particular, the U.S. Patent Nos. 3,603,664; 3,791,713; and 2,753,760 by the limitations related to the structure of the telescope. It is noted that while a telescope having a curved support device for supporting a telescope frame having a circular-shaped exterior cross-section which telescope comprises objective lens, mirrors for bending light and ocular lens is disclosed in the teachings provided by the mentioned references; however, the references in combination do not disclose a telescope having

Art Unit: 2872

the mentioned features and an arrangement of the objective lens, the at least two light folding devices and the second lens inside the telescope so that an image of the sun projected onto the interior surface of the telescope frame which interior surface is located on an opposite face from the at least two folding device and the second lens and the image is observable from the outside of the telescope frame as claimed.

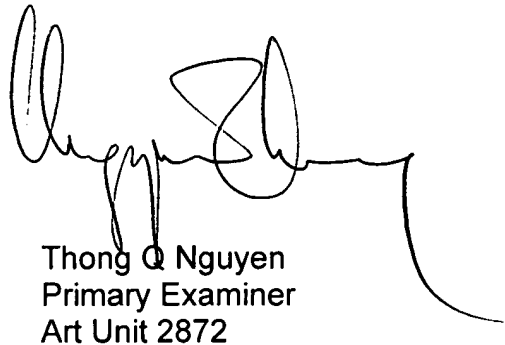
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thong Q. Nguyen whose telephone number is (571) 272-2316. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Drew A. Dunn can be reached on (571) 272-2312. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Thong Q. Nguyen
Primary Examiner
Art Unit 2872
